

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:13-CV-51-F

KENDALL CARTER, individually, and)
on behalf of the Estate of)
LUCY JANET CARTER,)

Plaintiff,)

v.)

ORDER

FRESENIUS MEDICAL CARE)
HOLDING, INC.; FRESENIUS)
MEDICAL CARE HOLDING, INC.,)
d/b/a FRESENIUS MEDICAL CARE)
NORTH AMERICA; FRESENIUS)
USA, INC.; FRESENIUS USA)
MANUFACTURING, INC.; FRESENIUS)
USA MARKETING, INC.; FRESENIUS)
USA SALES, INC.; FRESENIUS)
MEDICAL CARE AG & CO. KGAA;)
FRESENIUS MEDICAL CARE)
MANAGEMENT, AG; FRESENIUS SE)
& CO. KGAA; and FRESENIUS)
MANAGEMENT, AG,)

Defendants.)

This matter is before the court on the parties' joint motion to stay proceedings [DE-18], pending disposition of a motion for transfer, pursuant to 28 U.S.C. § 1407, by the Judicial Panel on Multidistrict Litigation.

The instant action concerns injuries that Plaintiff allegedly suffered from the use of GranuFlo and/or NaturaLyte products during dialysis treatment. The parties state that on December 12, 2012, a motion was filed with the Panel, requesting the transfer of similar federal actions involving GranuFlo and NaturaLyte. On January 3, 2013, counsel for Plaintiff filed an Interested Party

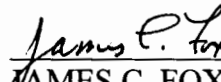
Response with the Panel, seeking transfer of all similar cases to the Southern District of Mississippi or, in the alternative, the Northern District of Alabama. The parties argue that this case involves many of the same issues and defendants that are present in other cases being considered by the Panel, and therefore the case should be stayed in the interests of judicial economy and efficiency until the Panel decides whether to transfer this case to another district for multidistrict-litigation proceedings.

The undersigned finds that interests of efficiency and judicial economy favor staying this action, pending the Panel's decision regarding whether to transfer the action. Accordingly,

1. It is ORDERED that the parties' joint motion to stay proceedings [DE-18] is ALLOWED; and
2. It is FURTHER ORDERED that counsel for Plaintiff shall notify the court and opposing counsel immediately upon learning the Panel's decision on its request to transfer.

SO ORDERED.

This the 1st day of March, 2013.



JAMES C. FOX
Senior United States District Judge